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Gene E. Nacey

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EXAMINER

PASS, NATALIE

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/808,423	<b>Applicant(s)</b> NACEY, GENE E.	
	<b>Examiner</b> Natalie A. Pass	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 November 2007 has been entered.

2. This communication is in response to the Request for Continued Examination and response filed on 1 November 2007. Claims 1-38 have been previously cancelled. Claims 39-76 remain pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39-40, 44-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolawa et al., U.S. Patent Number 6, 370, 513 in view of Cosentino et al., U.S. Patent Number 6, 290, 646 for substantially the same reasons given in the previous Office Action (paper number 20070713). Further reasons appear hereinbelow.

(A) As per claim 39, Kolawa teaches a method for facilitating food service management in a health care facility, said method comprising the steps of:

providing a computer-based system (Kolawa; Figure 1 column 4, line 63 to column 5, line 13);

establishing a standard set of therapeutic diet types contained in a master diet type database in said system (Kolawa; column 7, lines 15-17, column 9, lines 15-21);

storing a plurality of food recipes in said system within a recipe database (Kolawa; (Kolawa; Figure 15, column 7, lines 15-17, column 16, lines 32-34);

obtaining nutritional data on each food item used in said plurality of recipes and storing said data in said system within a food item database (Kolawa; Figures 26A TO 26D, column 16, line 63 to column 17, line 33);

analyzing (reads on “evaluating”) “the chemical components in the specified foods” (reads on “a nutritional content of each food item”) (Kolawa; Figures 26A to 26D, column 16, lines 29 to column 17, line 33, column 3, lines 25-31); Examiner interprets Kolawa’s teachings of analysis of food products into “attributes” that include “protein,” “total lipid (fat),” “carbohydrate (by difference),” “energy” (i.e. calories), “water” (i.e. moisture), “sugars, total,” “fiber, total dietary,” “calcium,” iron,” “magnesium,” “phosphorus,” “potassium,” “sodium,” and “zinc” (Kolawa; Figure 26A) to be a form of “evaluating a nutritional content of each food item;”

verifying a “chemical component” (reads on “a nutritional value”) of each of said plurality of recipes in said recipe database (Kolawa; Figure 15, Figure 17, column 3, lines 25-31, column 16, lines 52-65, column 17, lines 10-33);

Art Unit: 3626

assigning various food attributes to said recipes based upon said verified nutritional values (Kolawa; Figures 26A TO 26D, column 16, lines 20-32);

shaping menu sets of said recipes for each of said established therapeutic diet types (Kolawa; column 9, lines 15-21) in a menu database in said system based upon said assigned food attributes (Kolawa; Figure 7, column 11, lines 3-7, 40-49);

making “chemical components” information (reads on “nutritional information associated with said menu sets”) available (Kolawa; Figure 15, Figure 17, Figure 26A, Figure 26B, column 3, lines 25-31, column 16, lines 52-65, column 17, lines 10-33); and

tracking an inventory of food items at said health care facility (Kolawa; Figure 11, column 13, lines 29-39).

Although Kolawa teaches making nutritional information associated with said menu sets available, Kolawa fails to explicitly disclose a method comprising

making nutritional information associated with said menu sets available to said food service professionals;

providing a remote link to food service professionals associated with said healthcare facility to access said system;

collecting information from said food service professionals; and

suggesting menu sets to said food service professionals.

However, the above features are well-known in the art, as evidenced by Cosentino.

In particular, Cosentino teaches a method including

making nutritional information available to said “nutritionists” (reads on “food service professionals”) (Cosentino; column 2, lines 25-62); Examiner interprets Cosentino’s teachings

Art Unit: 3626

of a method “of monitoring and transmitting physiological and wellness parameters of overweight/obese patients to a remote site where a weight management professional or nutritionist evaluates such physiological and wellness parameters ... [and] ... can supervise and provide nutritional guidance to remotely located individuals” (Cosentino; column 2, lines 25-62) and “[m]oreover, the apparatus allows the weight management professional to intervene and adapt the individuals diet and exercise routine based on the weight and wellness information received” to teach a form of making nutritional information available to said “nutritionists”

providing a remote link to “nutritionists” (reads on “food service professionals”) associated with said healthcare facility to access said system (Cosentino; column 2, lines 56-62); collecting information from said food service professionals (Cosentino; column 2, lines 25-34, 56-62); and

“adapt[ing] the individual’s diet” (reads on “suggesting menu sets”) to said food service professionals (Cosentino; column 2, lines 25-34, 41-46, 56-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kolawa to include these limitations, as taught by Cosentino, with the motivations of enabling the “monitoring and transmitting physiological and wellness parameters of overweight/obese patients to a remote site where a weight management professional or nutritionist evaluates such physiological and wellness parameters” and “can supervise and provide nutritional guidance to remotely located individuals” (Cosentino; column 2, lines 48-54).

(B) As per claims 40, 44-49, Kolawa and Cosentino teach a method as analyzed and discussed in claim 39 above further comprising the steps of

categorizing said plurality of recipes according to geographic regions having noticeable differences in food tastes (Kolawa; Figure 16, Figure 27, column 18, lines 5-7);

forming a large library of menu sets in said menu database (Kolawa; column 18, lines 24-29);

allowing said “nutritionists” (reads on “food service professionals”) to choose a set of menus from said library (Cosentino; column 2, lines 25-34, 41-46, 56-62);

suggesting menu sets to said food service professionals based upon said inventory of food items at said healthcare facility (Cosentino; column 2, lines 25-34, 41-46, 56-62), (Kolawa; column 13, lines 29-39);

suggesting menu sets to said food service professionals based upon an individual patient's preference (Cosentino; column 2, lines 25-62);

wherein said patient's preference is based upon said patient's particular food tastes (Kolawa; column 4, lines 63-66); and

wherein said patient's preference is based upon said patient's religious beliefs (Kolawa; column 7, lines 15-17); Examiner interprets “ethnicity” to be a form of “religious beliefs.”

The motivations for combining the respective teachings of Kolawa and Cosentino are as given in the rejection of claim 39 above, and incorporated herein.

(C) As per claims 50-58, Kolawa and Cosentino teach a method as analyzed and discussed in claim 39 above further comprising the steps of

storing said information collected from said food service professionals in said system in a user database. (Kolawa; Figure 2, column 4, line 63 to column 5, line 9, column 5, lines 45-52), (Cosentino; column 12, lines 33-44);

wherein said stored information in said user database includes identifying information (Kolawa; Figure 2, column 4, line 63 to column 5, line 9, column 5, lines 45-52), (Cosentino; column 12, lines 33-44);

wherein said stored information in said user database includes “keeping track of the needs and preferences of the user” (reads on “historical information on prior use of said system by said food service professionals”) (Kolawa; Abstract, column 10, lines 41-43);

further comprising the step of limiting access to said system to “medical professional caregiver” (reads on “food service professionals”) associated with a healthcare facility (Cosentino; column 3, lines 41-45, column 4, lines 28-30); Examiner interprets Cosentino’s teachings of “a remote central office location” at which a “medical professional” caregiver “monitors the patient’s condition and provides medical treatment as may be necessary” to read on “a healthcare facility;”

further comprising the step of authorizing at least one “medical professional caregiver” (reads on “food service professionals”) associated with a healthcare facility to receive information (Kolawa; Figure 18, column 18, lines 1-5);

further comprising the step of allowing said food service professionals to place food item orders via said system (Kolawa; Figure 11, column 5, lines 25-27, column 13, lines 15-17, column 14, line 9);



further comprising the step of automatically updating said inventory to reflect said orders (Kolawa; Figure 11, column 13, lines 50-55);

wherein said food service professionals can place food item orders with a plurality of food item distributors (Kolawa; Figure 11, column 13, lines 50-55, column 19, lines 41-43); and

further comprising the step of providing a standard format for order transactions such that said food service professionals can make objective decisions about placing said orders (Kolawa; column 13, lines 15-25).

The motivations for combining the respective teachings of Kolawa and Cosentino are as given in the rejection of claim 39 above, and incorporated herein.

(D) As per claims 59-61, Kolawa and Cosentino teach a method as analyzed and discussed in claim 39 above further comprising the steps of

providing said food service professionals the ability to “communicate” (reads on “interact”) with a system proprietor (Cosentino; column 2, lines 56-62, column 3, lines 4-7);

providing said food service professionals the ability to “communicate” (reads on “interact”) with other food service professionals associated with other healthcare facilities (Cosentino; column 2, lines 56-62, column 3, lines 4-7); and

providing a search engine such that said food service professionals can search said databases (Kolawa; column 17, lines 9-23, 57-62).

The motivations for combining the respective teachings of Kolawa and Cosentino are as given in the rejection of claim 39 above, and incorporated herein.

Art Unit: 3626

(E) Claim 62 differs from method claim 39 in that it is a system rather than a method for facilitating food service management in a health care facility.

System claims 62-75 repeat the subject matter of claims 39, 40, 44-47, 50, 53-57, 60-61, respectively, as a set of elements rather than a series of steps. As the underlying processes of claims 39, 40, 44-47, 50, 53-57, 60-61 have been shown to be fully disclosed by the collective teachings of Kolawa and Cosentino in the above rejection of claims 39, 40, 44-47, 50, 53-57, 60-61, it is readily apparent that the system disclosed collectively by Kolawa and Cosentino includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 39, 40, 44-47, 50, 53-57, 60-61, and incorporated herein.

The motivations for combining the respective teachings of Kolawa and Cosentino are as given in the rejection of claim 39 above, and incorporated herein.

(F) Claim 76 differs from method claim 39 by reciting a “program storage device readable by machine for tangibly embodying ...” in the preamble. As per this limitation, Kolawa clearly discloses his invention to be implemented on a “program storage device readable by machine for tangibly embodying ...” (Kolawa; column 4, line 62 to column 5, line 9). The remainder of claim 76 repeats the limitations of claim 39, and is therefore rejected for the same reasons given above for claim 39.

The motivations for combining the respective teachings of Kolawa and Cosentino are as given in the rejection of claim 39 above, and incorporated herein.

Art Unit: 3626

5. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolawa et al., U.S. Patent Number 6, 370, 513 in view of Cosentino et al., U.S. Patent Number 6, 290, 646 as applied to claim 39 above, and further in view of Petot, et al. article: “An artificial intelligence system for computer-assisted menu planning,” Sept. 1998, hereinafter known as Petot, for substantially the same reasons given in the previous Office Action (paper number 20070713). Further reasons appear hereinbelow..

(A) As per claim 41, Kolawa and Cosentino teach a method as analyzed and discussed in claim 39 above.

Kolawa and Cosentino fail to explicitly disclose a method further comprising the step of eliminating variances in said therapeutic diet types among differing health care facilities.

However, the above features are well-known in the art, as evidenced by Petot.

In particular, Petot teaches a method further comprising the step of planning daily menus in accordance with “guidelines” and “standards” (reads on “eliminating variances in said therapeutic diet types among differing health care facilities”) (Petot; Abstract, page 1011, column 1, paragraphs 3-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Kolawa and Cosentino to include these limitations, as taught by Petot, with the motivations of “planning daily menus in accordance with the nutrition needs and personal preferences of individual clients ... [...] ...could also apply to planning special-purpose menus for use in many different settings. For example, preplanned menus for metabolic diets in a clinical research center can become a case base, which can then be

Art Unit: 3626

accessed for menus. Menus revised to meet specific research needs can be added to the case base for future protocols. A menu planner for [therapeutic] diabetic diets could be built by tuning the adaptation strategies to meet individual needs ... [...] ... could be adapted for use by institutions such as nursing homes, hospitals, schools and colleges, wellness and fitness centers, and nutrition education programs” (Petot; page 1014, column 1, paragraph 2 to column 2, paragraph 1).

6. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolawa et al., U.S. Patent Number 6, 370, 513 in view of Cosentino et al., U.S. Patent Number 6, 290, 646 as applied to claim 39 above, and further in view of Brown, U.S. Patent Number 6, 168, 563, for substantially the same reasons given in the previous Office Action (paper number 20070713). Further reasons appear hereinbelow..

(A) As per claims 42-43, Kolawa and Cosentino teach a system as analyzed and discussed in claim 39 above.

Although Kolawa and Cosentino teach modifying menus for diabetic diets (Kolawa; column 9, lines 15-21), Kolawa and Cosentino fail to explicitly disclose a method further comprising the step of evaluating diabetic exchange rates of each food item; wherein said verification of nutritional value of each of said plurality of recipes is based upon said evaluation of nutritional content and said evaluation of diabetic exchange rates of each food item.

However, the above features are well-known in the art, as evidenced by Brown.

In particular, Brown teaches a method

. further comprising the step of evaluating diabetic exchange rates of each food item (Brown; column 21, lines 32-53, column 22, lines 44-55);

wherein said verification of nutritional value of each of said plurality of recipes is based upon said evaluation of nutritional content and said evaluation of diabetic exchange rates of each food item (Brown; column 21, lines 32-53, column 22, lines 44-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Kolawa and Cosentino to include these limitations, as taught by Brown, with the motivations of “providing a simple and inexpensive system for remotely monitoring patients and for communicating information to the patients” and to “provide reliable information that allows a diabetic and his or her healthcare professional to establish, monitor and adjust a treatment plan (diet, exercise, and medication)” (Brown; column 5, line 66 to column 6, line 2, column 1, lines 54-56).

### ***Response to Arguments***

7. Applicant's arguments filed 1 November 2007 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 1 November 2007.

(A) At pages 11-14 of the 1 November 2007 response, (Examiner notes that page 13 has no number, and page 14 is erroneously numbered “2”), Applicant argues that the limitations of claims 39-76 are not taught or suggested by the applied references. In response, all of the limitations which Applicant disputes are missing in the applied references have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the combined

Art Unit: 3626

teachings of Kolawa, Cosentino, Petot and Brown, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the 35 USC § 103 rejections given in the preceding sections of the present Office Action. In particular, Examiner notes that “using nutritional data” is taught by the applied references. In particular, please note (Kolawa; Figures 26A to 26D, column 16, lines 29 to column 17, line 33, column 3, lines 25-31), as specified in the rejections above, and incorporated herein. Examiner interprets Kolawa’s teachings of analysis of food products into “attributes” that include “protein,” “total lipid (fat),” “carbohydrate (by difference),” “energy” (i.e. calories), “water” (i.e. moisture), “sugars, total,” “fiber, total dietary,” “calcium,” iron,” “magnesium,” “phosphorus,” “potassium,” “sodium,” and “zinc” (Kolawa; Figure 26A) and Kolawa’s teachings of analysis of food products into copper, manganese, selenium, vitamin A (IU), etc. (Kolawa; Figure 26B) to be a form of “evaluating a “nutritional content” of each food item.” Further, Examiner interprets Kolawa’s teachings of “[t]he creation of product vectors for recommending dishes includes parsing an original recipe for its ingredients. These ingredients are mapped to the chemical components making up the ingredients. The value of each chemical component is then stored into the inclusive preference fields of the product vector,” (Kolawa; column 3, lines 26-32), and as shown in Figure 26A, as teaching the argued limitations.

With respect to Applicant’s definition of “nutritional data” on page 13 of the response filed on 1 November 2007 as “food composition data of the type made available by the U.S. Department of Agriculture” at the website specified on page 9 of Applicant’s specification, Examiner thanks Applicant for the carefully enumerated “data types,” however Examiner notes

that Kolawa's Figures 26A to D list almost identical food composition data, and it is unclear how Applicant's claimed limitations overcome the teachings of the Kolawa reference.

With regard to Applicant's arguments on (unnumbered) page 13 of the response filed on 1 November 2007, that the Kolawa reference fails to teach obtaining nutritional data on food items used in recipes, Examiner respectfully disagrees, and notes that these limitations have been discussed earlier in this Office Action. Further, although Applicant argues on lines 5-6 of page 13 that "[c]olumn 17, beginning at line 10" of the Kolawa reference fails to teach analysis of nutritional data, Examiner notes that column 17, lines 30-33 of the Kolawa reference teach "proteins and sugars are given a maximum possible weight ... [...] ... while energy and calcium are given low weights ... [...] ...," which Examiner also interprets as analysis of nutritional data.

As per Applicant's arguments in the paragraph bridging pages 13-14 of the response filed on 1 November 2007, that the Cosentino reference fails to teach making nutritional information available to said food service professionals, Examiner respectfully disagrees; Examiner interprets Cosentino's teachings of a method "of monitoring and transmitting physiological and wellness parameters of overweight/obese patients to a remote site where a weight management professional or nutritionist evaluates such physiological and wellness parameters ... [and] ... can supervise and provide nutritional guidance to remotely located individuals" (emphasis added) (Cosentino; column 2, lines 25-62) and Cosentino's teachings of "[m]oreover, the apparatus allows the ... [...] ... professional to intervene and adapt the individuals diet ... [...] ... based on the ... [...] ... information received" (emphasis added) (Cosentino; column 2, lines 25-62) to teach a form of making nutritional information available to "nutritionists," as it is "nutritional

information” that would allow for a food service professional to provide “nutritional guidance” and in order for a food service professional to adapt an individual’s diet.

Furthermore, Examiner notes that Applicant analyzes the applied references separately and argues each of the references individually. In response to Applicant's piecemeal arguments analysis of the references, it has been held that one cannot show nonobviousness by attacking references individually where, as here, the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed Cir. 1986). In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

With regard to Applicant's contentions on the paragraph bridging pages 13-14 of the response filed on 1 November 2007 that Examiner's interpretations of the claim limitations is incorrect, it should be noted that Examiner has given the previously claimed elements their broadest reasonable interpretation, as required by MPEP § 2106, which states: Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).



***Conclusion***

8. This is a continuation of applicant's earlier Application No. 09/808, 423. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington D.C. 20231

**or faxed to:** (571) 273-8300.

For formal communications, please mark

"EXPEDITED PROCEDURE".

For informal or draft communications, please label

"PROPOSED" or "DRAFT" on the front page of the

communication and do NOT sign the communication.

After Final communications should be labeled "Box **AF**."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Natalie A. Pass/

Examiner, Art Unit 3626

February 4, 2008

/Joseph Thomas/

Supervisory Patent Examiner, Art Unit 3626